

**PATENT**  
**IBM Docket No. GB9-2000-0073US1**

**REMARKS**

**Status:**

Claims 1-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the teaching of U. S. Pat. No. 5,678,015 ( hereinafter "Goh") in view of the teaching of U. S. Pat. No. 6,636,246 (hereinafter "Gallo") and further in view of the teaching of U. S. Pat. No. 6,544,123 (hereinafter "Tanaka")

Claims 1, 3-12 and 14-22 are presented for reconsideration in view of the analysis provided below. Claims 2 and 13 are canceled.

**Analysis:**

Independent Claims 1 and 12 have been amended to more strongly emphasize Applicant's location and size adjustments to desktop icons referenced to a three-dimensional surface while retaining an orientation toward the viewer rather than an orientation dictated by the three dimensional surface, which would result in distortion as is apparent, for example, in Fig 6 of Goh and Fig 11 of Gallo.

Applicant recognized that using the three-dimensional shape to support visualization by the user is helpful for location and size but becomes counterproductive if the surface is also used to dictate orientation.

The Tanaka reference is relied upon in the Office Action to overcome the deficiency in of the Goh and Gallo teachings regarding icon orientation. But Tanaka teaches two loops which are each rotated through respective cursor elements (Tanaka Fig. 20, cursor elements 210 and 211) , where the two selections define a command for a video game. See Tanaka col. 19, lines 50-51: "Thus the player can input a command corresponding to the combination of the two."

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This is quite different from a three-dimensional shape used to present a desktop for selecting a single icon. Indeed the primary class for Tanaka is 463 which relates to games and the like. What would suggest there are deficiencies with the Goh and Gallo teachings relating to desktops and cause a skilled artisan to look to a game command teaching to improve user convenience in selecting a desktop icon? Without Applicant's teaching why look further than Goh or Gallo? What would lead the artisan to a two loop selection system that has two cursor points intended for a dual selection to indicate a game command? What would lead the artisan to change from the 3-D shape driven approach of Goh and Gallo other than hindsight after seeing Applicant's contribution to the art.?

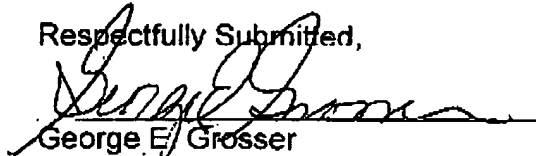
The disadvantage of distorted icons resulting from aligning with the three-dimensional surface is appreciated after exposure to Applicant's teaching. It is respectfully submitted that only with the deficiency recognized by Applicant, and Applicant's solution in mind, would an aspect of Tanaka's loop-based, command selection teaching for games be identified to rework the paradigm (icons on the 3-D surface) underlying both Goh and Gallo.

In accordance with the foregoing, Applicant respectfully submits that, such selective piecing together of elements from three references (again, Tanaka with a very different multi-loop geometry to select icon pairs for game commands) to produce the combination proposed in the Office Action is not reasonably suggested to the skilled artisan, in the absence of Applicant's teaching, and withdrawal of the rejections of claims based thereon is requested. As it is believed the claims identify inventive contributions over the prior art, early notice that this case is in condition for allowance is respectfully solicited.

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Applicant's attorney would welcome a call from the Examiner, in the interest of advancing the prosecution of this case.

Respectfully Submitted,

  
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